

Benefits for DOE Employees Detailed to Iraq **(Revised July 21, 2006)**

Introduction

This document addresses the types of pay, leave, and insurance benefits that are available to non-reimbursable detailees, along with information on administering the benefits. Unless specifically stated that DOD pays, all expenses are paid by the employee's organization. This guidance should be used as a checklist when negotiating reimbursable details.

Pay and Hours of Duty

1. **Salary** - DOE employees who are not transferred to DOD will continue to receive their same salary that they would receive had they not been on detail, which includes locality pay.
2. **Work Schedule** - Employees will be on a 5-day 8-hour schedule, but are expected to work 12-16 hours per day, depending on their work assignment, 6.5 - 7 days per week. Some employees have regular hours, such as 7AM to 9PM, while others work varying schedules in which they can work anytime day or night. Normally, 2 meal periods occur daily, which is non-compensable time. Also, see paragraph 5 regarding Sunday pay.
3. **Overtime** – Overtime may be either regularly scheduled or irregularly scheduled. To be regularly scheduled, the specific hour and day(s) must be known in advance of the administrative workweek in which it occurs. Because the work schedules vary daily among employees, Departmental elements will determine the appropriate form of compensation based on the employee's work assignment and reported time. DOE's policy is that the amount of overtime that occurs daily on a regular, recurring basis will be treated as regularly scheduled; any amount of overtime that fluctuates above that amount must be determined on a case-by-case basis. (Note: Because this is a significant change in policy and to ensure equity for employees who are currently on detail or were previously on detail, including details to Kuwait, the Chief Financial Officer has authorized Departmental elements to retroactively change previous overtime determinations based on available funding.)

Regularly scheduled overtime must be paid at the greater of 1.5 times the applicable locality pay rate for GS-10 step 1 or the employee's actual hourly rate and it is reported in the Automated Time Attendance and Production System (ATAAPS) as "OS". (Note: DFAS is paying the higher amount automatically.)

Irregularly scheduled overtime may be paid at the same rate as regularly scheduled overtime, compensated as compensatory time off, or a combination of both, depending on the grade of the employee (see the DOE Handbook on

Overtime) or compensated as Administratively Uncontrollable Overtime (AUO) pay. DOE has authorized AUO pay in light of the known amount of irregular overtime per week and in consideration for program funding, since these funds may adversely impact organizations financially. If the employee is receiving AUP pay, irregularly scheduled overtime up to the first 10 hours per week is coded in ATAAPS as "OA" and any additional hours are coded as "OU." If the employee is not receiving AUO pay, all irregularly scheduled overtime is coded as "OU."

AUO pay is paid based on the average hours worked per week over a reasonable period of time. Based on the work that was previously performed in Kuwait and what employees are being told during their orientation sessions, the average exceeds 9 hours per week significantly, so the maximum amount of 25% of base pay, including locality pay, is paid. A SF-50, Notice of Personnel, is needed to effect this pay in DFAS. The nature of action code (NOAC) is 818.

4. **Work at Night** - For regularly scheduled work performed during the hours of 6PM and 6AM, night differential is paid in addition to overtime pay and other applicable premiums. That differential is 10% of basic pay, i.e., locality pay or special salary rate. Employees are expected to work during daytime hours to the maximum extent possible to minimize these costs.
5. **Work on Sunday** - For regularly scheduled work performed on a Sunday, an employee is entitled to Sunday pay at the rate of 25% of basic pay, in addition to overtime and other applicable premiums.
6. **Work on a Holiday** - For work performed on a holiday, an employee is entitled to holiday pay for up to 8 hours at the rate of 100% of basic pay, in addition to overtime and other applicable premiums.
7. **Danger Pay** – This benefit is paid when an employee has been in a country a minimum of 4 hours in a day at the following rates, which are a percentage of basic pay:

Kuwait & Jordan – 15% Iraq – 35% (increased effective March 5, 2006)

An SF-50 with a NOAC 946 should be prepared. When an employee changes locations, a new SF-50 will be needed to change the rate or terminate it.

8. **Foreign Post Differential** - This is effective on the 43rd day, retroactive to the first day in a country, at the rate of 35% of basic pay (increased from 25% effective March 5, 2006). An SF-50 with a NOAC 943 should be prepared on the 43rd day.
9. **Waiver of the Bi-Weekly and Annual Pay Limitation** – The bi-weekly pay cap has been waived for all detailees. This means that an employee's pay is subject to

2 annual pay limits: the annual aggregate limit, which is Executive Level I (currently \$183,500); and the premium pay limit, which is the greater of Executive Level V (currently \$133,900) or GS-15/10; special salary rates are capped at level IV (\$143,000). All earnings, including danger pay and foreign post differential, that are not paid due to the annual aggregate limit are deferred to the first pay period in the next year. Overtime, night differential, Sunday premium, holiday premium, and AUO pay are subject to the annual premium pay limit. All earnings that are not paid due to the annual premium pay limit are never paid. Basic pay is always paid. Earnings are projected each pay period to identify whether an employee is subject to either limit.

The Deputy Secretary has approved a waiver of the annual premium pay to \$200,000 for detailees to Iraq for calendar year 2006. This is retroactive to January 1, 2006.

Higher graded employees are encouraged to project when they expect to reach the cap before they decide to accept the employment offer to be detailed.

Organizations must provide the payroll staff a list of their employees who are being detailed so DFAS can manually override the payroll system to avoid the bi-weekly pay cap.

10. **Per Diem** – State and/or DOD provides meals, and lodging; State believes that DOE organizations are responsible for incidental expenses at \$2 per day (effective February 1, 2006; previously it was \$11 per day; note: State's interpretation is not consistent with the language in the DOE/DOS Memorandum of Agreements, however, EERE has agreed to pay the per diem for its employees).
11. **Travel Expenses** – DOE organizations are responsible for providing airfare to and from the overseas assignment.
12. **Medical Services** – DOD provides local medical services or will medivac an employee out of the country to Washington, DC. Employees must be medically cleared by DOE and DOD prior to departure.
13. **Health Insurance** – Employees should have a non-HMO type plan in case they choose to be treated by a local physician or dentists at their own expense. Employees may change their plan prior to departure or while overseas.
14. **Life Insurance** – FEGLI coverage is maintained at the current level; however, an employee may increase the amount of coverage subject to a physical exam (which is done as part of the medical clearance process).
15. **Workers' Compensation** – Employees are covered by the existing workers' compensation program.

16. **Death Gratuity** – In the event that an employee is killed while on assignment, the employee's family or estate will receive a death gratuity of \$10,000.
17. **Regional Rest Breaks** – Employees are authorized one trip for every six-month period of assignment. Employees become eligible for the one trip after 90 days in country. Employees may select the location based on the amount of leave authorized; however, the maximum amount of the transportation cost that will be paid by DOE is the lowest fare to Frankfurt, Germany at the time the trip is scheduled. No lodging or per diem will be paid.
18. **Home Visits** – Employees are authorized a home visit periodically, e.g., one trip every 6 months in lieu of a regional rest break, in which annual leave, LWOP, or compensatory time is authorized by the employee's supervisor in Iraq consistent with DOE leave policies. Departmental elements may limit the number of home visits per year based on the availability of funds.
19. **Consultation Trips** – The primary purpose of these trips is to conduct business in the United States. They will be authorized and paid consistent with the agreements with State (for the Iraq Reconstruction Management Office (IRMO) and DOD (Department of Army for the Project and Contracting Office (PCO)).
20. **Leave** – Employees may request annual leave or LWOP before or after their detail or while in transit to and from their overseas location, for a regional rest break or home visit, and in conjunction with a consultation trip. The amount of annual leave, LWOP, or compensatory time that will be authorized will be determined by the applicable supervisor while on detail or the employee's supervisor prior to departure or upon returning to DOE. No home leave will be earned. Employees may be authorized excused absence to make arrangements to depart, e.g., to obtain a physical from a private physician for a medical clearance or attend training at the Foreign Training Institute, or upon returning from overseas to resettle, e.g., to make arrangements to have utilities turned on, if that cannot be accomplished outside of normal work hours.

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